

Issued by the  
UNITED STATES DISTRICT COURT:

DISTRICT OF RHODE ISLAND

America Online, Inc.	)	
	)	<b>SUBPOENA IN A CIVIL CASE</b>
Plaintiff,	)	
	)	
v.	)	Case Number: 05-0077S (D. R.I.)
Davis Hawke, et al.	)	
<u>Defendants.</u>	)	

**TO: Metro Honda**  
**Attn: Mark J. Hampston**  
~~1780 1607 Hartford Avenue~~  
**Johnston, RI**

**YOU ARE COMMANDED** to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

**YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the Taking of a deposition in the above case:

PLACE	DATE AND TIME
-------	---------------

**X YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

**SEE ATTACHMENT A**

PLACE MAIL TO: Ratcliffe Burke Harten & Elias LLP, 1600 Financial Plaza, Providence, RI 02903, Attn: J. Richard Ratcliffe, Esq.	DATE AND TIME 08/23/2005 9:00 am
--	-------------------------------------

**YOU ARE COMMANDED** to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S NAME AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) <i>(SIR) atty for plaintiff</i>	DATE 8/15/05
---	-----------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

J. Richard Ratcliffe  
 Ratcliffe Burke Harten & Elias  
 1600 Financial Plaza  
 Providence, RI 02903  
 Direct Dial Telephone 401.490.4651  
 Fax 401.331.3440

#41.00 #4440

(See Rule 45, Federal Rules of Civil Procedure, Parts C&amp;D PAGE 2)

**PROOF OF SERVICE**

SERVED

DATE

8/16/05

SERVED ON (PRINT NAME)

Metro Honda

SERVED BY (PRINT NAME)

Thomas Noury  
41 N. Elmors Ave.  
P.O. Box 114026  
North Providence, RI 02911

PLACE

1880 Hartford Ave Johnston RI

MANNER OF SERVICE

Certified Mail

Mark Hampton

 Mark J. Hampton  
CERKLE MANAGER

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

8/16/05

SIGNATURE OF SERVER



ADDRESS OF SERVER

Thomas Noury  
41 N. Elmors Ave.  
P.O. Box 114026  
North Providence, RI 02911

RULE 45, Federal Rules of Civil Procedure, Parts C&amp;D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take responsible steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

## (B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) required disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**SUBPOENA TO METRO HONDA  
ATTACHMENT A**

You are requested to produce the following documents, as they may relate to Liliana Rodriguez, social security number [REDACTED]

1. Copies of any and all documents regarding the purchase of a <sup>1999</sup>~~1990~~ Mercedes Benz, VIN # WDBHA29GXXA708738, executed by Liliana Rodriguez during the time period of April, 2005.
2. All documents that constitute or relate to payments made or received for any account relating to the loan for the vehicle described in Request No.1, from April, 2005 to the present.
3. All documents that constitute communications from April, 2005 to the present, between you and the person identified in Request No. 1.
3. A declaration from your Custodian of Records establishing the authenticity of the produced documents and their nature as business records, sufficient to satisfy the requirements of FRE 803(6) and 902(11).